

REMARKS

Claims 10, 14-17, 19, 20, 22-26 and 28-34 are pending in the application. This Amendment amends claims 10, 19, 22, 23, 25 and 28-30, and cancels claims 12, 21 and 27.

The Claimed Invention

An exemplary embodiment of the invention, as recited by, for example, independent claim 10, is directed to a plastic container for domestic washing machines wherein a plastic member is accommodated on at least one section of a surface of a bearing shell, with the plastic member and the bearing shell together forming a structural unit, before the remainder of the plastic container is injection-molded onto the structural unit formed by the bearing shell and the plastic member, and the material of the plastic member differs from the material of the remainder of the plastic container.

Another exemplary embodiment of the invention, as recited by, for example, independent claim 19, is directed to a container for a washing machine having a plastic member formed on a bearing shell and a container body being formed on the plastic member, wherein the plastic member is made from a first plastic material and the container body is made from a second plastic material different than the first plastic material.

Another exemplary embodiment of the invention, as recited by, for example, independent claim 25, is directed to a method for making a container for retaining liquids within a washing machine, the method including the steps of forming a plastic member on a bearing shell by a first injection molding process, the plastic member and the bearing shell together forming an intermediate structure, then applying a container body formed on the intermediate structure by a second injection molding process, wherein the plastic member is formed from a first plastic material and the container body is formed from a second plastic material different than the first plastic material.

Another exemplary embodiment of the invention, as recited by, for example, independent claim 29, is directed to a method for making a container for retaining liquids within a washing machine, the method including the steps of applying a plastic member on a bearing shell via a first injection molding process, the plastic member and the bearing shell together forming an intermediate structure, and after the plastic member applied on the bearing shell has at least partially cured following the step of applying the plastic member, forming the remainder of the container on the intermediate structure with a second injection molding process, wherein the plastic member is formed from a first plastic material and the remainder of the container is formed from a second plastic material different than the first plastic material.

In some conventional washing machines, the plastic container is formed by injection molding around a bearing shell arranged in the mold of the injection molding machine prior to injection molding the plastic container. Differences in the shrinkage coefficients, cooling curves, and masses of the plastic container material and the bearing shell material can cause several problems, including the formation of gaps between the plastic container and the bearing shell that can result in a weak joint between the container and the bearing shell and/or water penetrating the joint between the container and the bearing shell.

The present invention addresses and solves these problems by providing a plastic container for domestic washing machines including a plastic member accommodated on at least one section of a surface of a metallic bearing shell, the plastic member and the bearing shell together forming a structural unit, before the remainder of the plastic container is injection molded on the structural unit, and the plastic member is made from a different material than the remainder of the plastic container.

The Durazzani Reference

The Office Action rejected claims 10, 14-17, 19, 20, 24 and 30-32 under 35 USC §102(b) as allegedly being anticipated by UK 2 333 300 to Durazzani et al. Applicants respectfully traverse the rejection.

Claim 10 includes the feature of a plastic member being accommodated on at least one section of a surface of a bearing shell, with the plastic member and the bearing shell together forming a structural unit, before the remainder of the plastic container is injection-molded onto the structural unit formed by the bearing shell and the plastic member, and the material of the plastic member differs from the material of the remainder of the plastic container.

In contrast, Durazzani does not disclose a structural unit formed by a plastic member on a bearing shell, and a remainder of a plastic container injection molded onto the structural unit. The Office Action asserts that claim 10 is a product by process claim and that certain features of claim 10 are not considered in determining patentability. Applicants disagree with these assertions. However, in the interest of expediting prosecution, the features of claim 12 are incorporated into claim 10. Applicants submit that Durazzani does not disclose using two different materials for the claimed plastic member and the claimed remainder of the plastic container. Tub 10 (including elements 11-17) of Durazzani is formed from one material. Using different materials for the plastic member and the remainder of the plastic container helps prevent cracks that can form during the production process and allows the use of cheaper material for the remainder of the plastic container (page 3, lines 3-10 and 34-37; page 4, lines 1-6).

Claim 19 includes the feature of a plastic member formed on a bearing shell and a container body being formed on the plastic member, wherein the plastic member is made from a first plastic material and the container body is made from a second plastic material different than the first plastic material.

As described above, Durazzani does not disclose a plastic member formed on a bearing shell, and a container body formed on the plastic member. The Office Action

asserts that claim 19 is a product by process claim and that certain features of claim 19 are not considered in determining patentability. Applicants disagree with these assertions. However, in the interest of expediting prosecution, the features of claim 21 are incorporated into claim 19. Applicants submit that Durazzani does not disclose using two different materials for the claimed plastic member and the claimed container body. Tub 10 (including elements 11-17) of Durazzani is formed from one material.

Claims 14-17, 30 and 31 depend from claim 10. Claims 20, 24 and 32 depend from claim 19.

In view of the foregoing, Applicants respectfully submit that Durazzani does not disclose each and every feature of claims 10, 14-17, 19, 20, 24 and 30-32 and therefore rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of this rejection.

The Durazzani Reference in view of the Cinello Reference

The Office Action rejected claims 12, 21-23, 25-29, 33 and 34 under 35 USC §103(a) as allegedly being obvious in over Durazzani in view of EP 0 219 115 to Cinello. Applicants respectfully traverse the rejection.

The Office Action applies Cinello as teaching the use of two plastics having different strength characteristics in the production of a laundering tub. The Office Action alleges that it would have been obvious to produce the rear area of the tub of Durazzani that undergoes increased mechanical stress from a different, stronger material than the remainder of the tub as taught by Cinello in order to increase resistance of this region to mechanical stress and lower production costs by decreasing the amount of more expensive, stronger plastic necessary for the tub. Applicants respectfully disagree with this allegation. In addition, Applicants respectfully disagree that such a device has the features of the claimed invention.

Regarding claims 10 (which now includes the features of claim 12), 23, 25 (which now includes the features of claim 27), 26, 28, 29, 33 and 34, Applicants respectfully submit that Cinello teaches away from using a metal member to position bearings in a washing machine. On page 1, lines 10-19, Cinello describes washing machines having either bearings maintained at axially space positions by a metal sleeve interposed between, or a metal sleeve formed with seats for bearings. On page 1, lines 20-36, Cinello describes problems associated with using such metal members. On page 1, line 37 – page 2, line 3, Cinello teaches away from using a metal member to position bearings in a washing machine by stating that

“It would now in fact be possible to eliminate the short-comings of these solutions and to achieve a durable mounting of the bearings in a tub if such tub were completely made of a plastic material capable of sustaining the mechanical stresses acting on the bearings.”

Cinello then goes on to describe how a tub can be made from plastic without any use of metal to position bearings.

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. (see, for example, *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984), and *M.P.E.P.* §2142.02 VI). In light of the above, Applicants respectfully submit that it would not have been obvious based on the teachings of Cinello to injection mold a plastic member onto a metal bearing shell because Cinello specifically teaches away from using a metal bearing shell by pointing out what Cinello believes to be problems with such a construction and disclosing devices and methods that do not use a metallic bearing shell.

Further, Applicants submit that even if one was to combine the cited teachings of Cinello with the device of Durazzani, the result would not be a tub having a metal bearing shell and using two different plastic materials. If the combination would suggest anything, it might suggest using a plastic bearing shell and a second plastic material for

the remainder of the tub. However, it would not suggest a metal bearing shell and two different plastic materials.

Regarding claims 19 (which now includes the features of claim 21) and 22, Applicants respectfully submit that it would not have been obvious from Durazzani and Cinello to provide a bearing shell for receiving at least one bearing, a plastic member formed on the bearing shell, a container body formed on the plastic member, and the plastic member and the container body being made from different materials. If one was to apply Cinello's teaching of using two different materials to the device of Durazzani, the combination might suggest (if it would suggest anything at all) using a plastic bearing shell and a second plastic material for the remainder of the tub. However, it would not suggest a bearing shell and two additional, different plastic materials.

In view of the foregoing, Applicants respectfully submit that the combination of Durazzani and Cinello does not suggest the features of claims 10, 19, 22, 23, 25, 26, 28, 29, 33 and 34 and therefore rejection under 35 USC §103(a) is inappropriate. As a result, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the above, Applicants respectfully request entry of the present Amendment and allowance of claims 10, 14-17, 19, 20, 22-26 and 28-34. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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March 05, 2010

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